

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JOHN RASH**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:20-CV-224-NBB-RP**

**LAFAYETTE COUNTY, MISSISSIPPI**

**DEFENDANT**

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**ANSWER TO AMENDED COMPLAINT**

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COMES NOW, Lafayette County, Mississippi, the Defendant in the above-styled and numbered cause, by and through counsel, and files its Answer to the First Amended Complaint, and would state as follows:

**First Defense**

The Complaint fails to state a claim upon which relief may be granted.

**Second Defense**

The Complaint fails to state a plausible First Amendment (including Retaliation) claim within the meaning of Iqbal/Twombly and therefore the Complaint, as amended, should be dismissed at cost to the plaintiff.

**Third Defense**

Some or all of the claims asserted in the Complaint are moot or are otherwise barred by the doctrines of laches and equitable estoppel.

**Fourth Defense**

And now, answering the allegations of the Amended Complaint, paragraph by paragraph, the Defendant responds and alleges as follows:

1.

The allegations contained in Paragraphs 1 thru 12 of the Amended Complaint are denied.

2.

The allegations contained in Paragraph 13 of the Amended Complaint are denied as the Plaintiff is not entitled to the relief sought.

3.

The allegations contained in Paragraph 14 thru 18 of the Amended Complaint are admitted except that any suggestion that the Plaintiff is entitled to any relief or states a viable claim under any law or provision is denied.

4.

The allegations contained in Paragraph 19 of the Amended Complaint are denied.

5.

The allegations contained in Paragraph 20 of the Amended Complaint are admitted except that Defendant denies the allegations as to policymaking authority of the Lafayette County Board of Supervisors and the Sheriff of Lafayette County because said allegations are too broad and are not referenced as to Section 1983 or to particular matters.

6.

The allegations contained in Paragraph 21 of the Amended Complaint are denied.

7.

The allegations contained in Paragraph 22 of the Amended Complaint are admitted except the Defendant denies the allegations as to the City of Oxford as vague.

8.

The allegations contained in Paragraph 23 of the Amended Complaint are admitted.

9.

The allegations contained in Paragraphs 24 thru 26 of the Amended Complaint are denied except that the reference to the inscription on the County Courthouse monument is admitted, as stated, but is incomplete.

10.

The allegations contained in Paragraph 27 of the Amended Complaint are admitted.

11.

The allegations contained in Paragraph 28 of the Amended Complaint are denied, except that the Defendant admits that individuals and groups have exercised their rights to free speech, to assemble and protest within the County Courthouse grounds, subject to speech-neutral permitting and facility use requirements and restrictions.

12.

The allegations contained in Paragraphs 29 thru 34 of the Amended Complaint are denied as stated.

13.

The allegations contained in Paragraph 35 of the Complaint are admitted.

14.

The allegations contained in Paragraph 36 thru 39 of the Amended Complaint are denied as an incomplete statement of the referenced policies. The Defendant also denies any suggestion as to causal relationships between policy adoptions and events, as referenced.

15.

The allegations contained in Paragraph 40 thru 50 of the Amended Complaint are denied, except that the Defendant admits that the permit application submitted by the Plaintiff was denied.

16.

The allegations contained in Paragraph 51 thru 60 of the Amended Complaint are denied.

17.

In response to the allegations incorporated by reference in Paragraph 61 of the Amended Complaint, the Defendant incorporates its respective responses.

18.

The allegations contained in Paragraph 62 thru 67 of the Amended Complaint are denied.

19.

The allegations contained in Paragraphs 68 thru 73 of the Amended Complaint are denied.

20.

Wherefore, premises considered, the Defendant requests that this court deny Plaintiff's request for relief and dismiss this action at cost to the Plaintiff, and award the Defendant its costs and attorneys fees as incurred in the defense of this frivolous action. The Defendant also requests any other relief which the court may find warranted in the premises.

THIS, the 10th day of September, 2020.

Respectfully submitted,

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/s/ David D. O'Donnell  
**DAVID D. O'DONNELL, MSB #3912**  
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**CERTIFICATE OF SERVICE**

I, David D. O'Donnell, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 10th day of September, 2020.

/s/ David D. O'Donnell  
**DAVID D. O'DONNELL, MSB# 3912**  
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